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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,945	02/10/2004	Alexander B. Beaman	P1913-C2/522C-2	4257

7590 08/11/2004

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Suite A  
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Palo Alto, CA 94304

EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

AUG 25 2004

Technology Center 2600

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/776,945	BEAMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel J Chung	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-10-2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are not objected to by the Examiner.

### ***Specification***

Please review the application and correct all informalities.

### ***Information Disclosure Statement***

Receipt is acknowledged of Applicant's Information Disclosure Statement of 2-10-2004, which has been placed in the application file and considered by the Examiner.

### ***Information Disclosure Statement***

The IDS filed 2-10-2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, all U.S. patents have been considered, but copies of the other documents (Erfert Fenton) have apparently not been provided, and thus the information referred to therein have not been considered. Applicant must provide copies of these documents if there are to be considered as to the merits.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ballard (6,288,726)

Regarding claim 1, Ballard discloses that the claimed feature of a system for glyph construction comprising: a graphics system [i.e. "output device"; 200]; a glyph server ["layout services library"; 208] means coupled to the graphics system [200]; and an operating system ["operating system"; 204] coupled to the glyph server [208]. (See Fig 2, Fig 4, col 3 line 12-61)

Regarding claim 2, Ballard discloses that a line layout core unit receiving glyph codes [i.e. "glyph information"] from the graphics system and determining glyph data descriptions [i.e. "glyph position"]. (See Fig 2, col 1 line 48-51, col 2 line 28-31, col 3 line 25-27, col 3 line 51-col 4 line 11)

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Regarding claim 3, Ballard discloses that a glyph cache unit coupled to the line layout core unit for receiving the glyph data descriptions and determining if glyph data is in the glyph cache unit. (See Fig 2, col 1 line 33-34, col 1 line 48-51, col 2 line 28-31, col 3 line 25-27, col 3 line 51-col 4 line 11)

Regarding claim 4, Ballard discloses that an open font architecture services unit coupled to the glyph cache unit for permitting support of multiple font file formats. (See Abstract line 1-5, col 3 line 27-30)

Regarding claim 5, Ballard discloses that one scalar unit coupled to the open font architecture unit for receiving requests from the open font architecture unit and interpreting font data within a font file. (See Abstract line 1-4, col 11 line 10-14, col 3 line 17-30)

Regarding claim 6, Ballard discloses that a font object management unit coupled to the at least one font scalar and handling requests for the font data. (See Abstract line 1-4, col 2 line 28-31, col 3 line 17-30)

Regarding claim 7, Ballard discloses that an attribute group support unit coupled to and supporting a data structure for communication among the line layout core unit, the glyph cache unit, the open font architecture services unit, the font scalar unit, and the font object management unit. (See Fig 2, Abstract line 1-4, col 3 line 17-30)

Regarding claim 8, claim 8 is similar in scope to the claims 2-7, and thus the rejections to claims 2-7 hereinabove are also applicable to claim 8.

Regarding claim 9, Ballard discloses that the line layout core unit processes a layout of the glyph codes to produce a glyph record array ["layout service library"]. (See col 3 line 62-col 4 line 11)

Regarding claim 10, Ballard discloses that the line layout core unit processes the layout for positional and non-positional adjustments. (See col 3 line 62-col 4 line 11, step 304 in Fig 3, Fig 5)

Regarding claim 11, Ballard discloses that the glyph cache unit provides metrics and rendering s to update the glyph code array. (See col 1 line 42-47)

Regarding claim 12, Ballard discloses that the open font architecture services unit updates the glyph code array with pointers to the glyph renderings. (See Abstract line 16-22, col 3 line 51-61)

Regarding claim 13, Ballard discloses that the claimed feature of a method for processing a line of text in a graphics system running on a computer system and displaying typographic glyphs on a display device of the computer system, the method

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comprising: mapping the input text into glyph codes [300]; forming an initial glyph record array, the initial glyph record array comprising a plurality of glyph records for the glyph codes [302]; processing a layout of the glyph codes to produce an updated glyph record array [304-308]; rendering the updated glyph record array to produce a final glyph record array; and rendering a display of the typographic glyph output from the final glyph record array [310]. (See Fig 3, Fig 2, col 3 line 21-61)

Regarding claim 14, Ballard discloses that performing non-positional and positional adjustments to the glyph codes. (See col 3 line 62-col 4 line 11, step 304 in Fig 3, Fig 5)

Regarding claim 15, Ballard discloses that the non-positional adjustments comprise determining reorderings, ligatures, insertions, rearrangements, and non-contextureal and contextural substitutions. (See col 6 line 45-col 7 line 26)

Regarding claim 16, Ballard discloses that the positional adjustments comprise determining adjustments due to tracking, justification, kerning, baselines, optical edges, and hanging punctuation. (See col 6 line 45-col 7 line 26)

Regarding claim 17, Ballard discloses that glyph data in an order for display and with positioning adjustments for advance widths of the glyph data. (See Abstract line 16-22, col 2 line 8-17, col 3 line 55-61, col 5 line 1-8)



Regarding claim 18, Ballard discloses that obtaining advance widths of the glyph data, and obtaining pointers for glyph renderings. (See Abstract line 16-22, col 3 line 51-61)

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,714,199. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims of patent No. 6,714,199 contains substantially every element of claims 1-8 of the instant application, and "a graphics system" and "operating system" of the presented application is necessarily required elements for typographic glyph construction, as described in patent No. 6,714,199, in order to perform/render the glyph

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construction, therefore it would have been obvious to include such limitation in the instant application.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

#### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

#### **or faxed to:**

**(703) 872-9306 (Central fax)**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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djc

August 3, 2004

*Jeffrey A. Bruns*

Jeffrey A. Bruns  
Attorney for Applicant

FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. <b>P1913-C2/522C-2</b>	SERIAL NO. <b>To Be Assigned</b>
	APPLICANT: <b>Alexander BEAMAN, et al.</b>	
	FILING DATE: <b>Herewith</b>	GROUP: <b>To Be Assigned</b>

**REFERENCE DESIGNATION**
**U.S. PATENT DOCUMENTS**

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPRO.)
DZC		6,043,826	03-28-2000	Manning			
DZC		5,416,898	05-16-1995	Opstad et al.			
DZC		5,533,174	07-02-1996	Flowers, Jr., et al.			
DZC		5,771,034	06-23-1998	Gibson			
DZC		5,257,351	10-26-1993	Leonard et al.			
DZC		5,577,183	11-19-1996	Weyand			

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation

**OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)**


**EXAMINER**
**DATE CONSIDERED**
*Daniel Chung*
*8/3/04*

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. <b>P1913-C2/522C-2</b>	SERIAL NO. <b>To Be Assigned</b>
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REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPRO.)
DZC		6,288,726	09-11-2001	Ballard			
DZC		5,412,771	05-02-1995	Fenwick			
DZC		6,038,575	03-14-2000	Jensen et al.			
DZC		6,175,372	01-16-2001	Ballard et al.			
DZC		5,579,030	11-26-1996	Karow			
DZC		5,404,450	04-04-1995	Szczepanek et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)


EXAMINER <i>David Chung</i>	DATE CONSIDERED <i>8/13/04</i>
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FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. <b>P1913-C2/522C-2</b>	SERIAL NO. <b>To Be Assigned</b>
	APPLICANT: <b>Alexander BEAMAN, et al.</b>	
	FILING DATE: <b>Herewith</b>	GROUP: <b>To Be Assigned</b>

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPRO.)
D7C	5,526,477	06-11-1996	McConnell et al.			
D7C	5,586,241	12-17-1996	Bauermeister et al.			
D7C	5,790,126	08-04-1998	Ballard et al.			
D7C	5,909,223	06-01-1999	Dowdy et al.			
D7C	5,956,419	09-21-1999	Kopec et al.			
D7C	6,088,041	07-11-2000	Ballard et al.			

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

D7C	<del>Errol Fenton, Apple's Operating System Extension Promises a Wealth of Exciting New Font Capabilities, Inside Quick Draw GX Fonts, MacWorld, v.11, n.10, October 1994, pp 122-125, 127</del>

EXAMINER  <i>David Chung</i>	DATE CONSIDERED  <i>8/3/04</i>
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Notice of References Cited**

Application/Control No.

10/776,945

Applicant(s)/Patent Under

Reexamination

BEAMAN ET AL.

Examiner

Daniel J Chung

Art Unit

2672

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**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,288,726	09-2001	Ballard, Dean D.	345/468
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.